

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ALBERT LYNN BARCROFT

v.

KENNETH VERN GIBBS, CANDACE  
GIBBS WALTON

§

§

Civil Action No. 4:16-CV-562

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(Judge Mazzant/Judge Nowak)

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## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 8, 2017, the report of the Magistrate Judge (Dkt. #94) was entered containing proposed findings of fact and recommendations that Defendants Kenneth Vern Gibbs and Candace Gibbs Walton's Motion to Dismiss (Dkt. #92) be **GRANTED** under Rule 25.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss is **GRANTED** under Rule 25 and Plaintiff's claims are **DISMISSED**.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to close this civil action.

**IT IS SO ORDERED.**

**SIGNED this 17th day of January, 2018.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE